

VAN-039 Statement of Presumed Abuse – Rev. 04/02/2008

**UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF NORTH CAROLINA**

1760-A Parkwood Blvd.
Wilson, NC 27893

IN RE:

Joe Acosta
(*debtor has no known aliases*)

1029 Honeycutt Rd.
Fayetteville, NC 28311

CASE NO.: 09-06628-8-RDD

DATE FILED: August 7, 2009

CHAPTER: 7

STATEMENT OF PRESUMED ABUSE

As required by 11 U.S.C. Sec. 704(b)(1)(A), the Bankruptcy Administrator has reviewed all of the materials filed by the debtor(s). Having considered these materials in reference to the criteria set forth in 11 U.S.C. Sec. 707(b)(2)(A), and, pursuant to 11 U.S.C. Sec. 704(b)(2), the Bankruptcy Administrator determines that: (1) the debtor's case should be presumed to be an abuse under section 707(b); and (2) the product of the debtor's current monthly income, multiplied by 12, is not less than the requirements specified in section 704(b)(2)(A) or (B); or (3) the debtor has not filed or transmitted all of the required means testing documents.

As required by 11 U.S.C. Sec. 704(b)(2) the Bankruptcy Administrator shall, not later than 30 days after the date of this statement's filing, either file a motion to dismiss or convert under section 707(b) or file a statement setting forth the reasons the Bankruptcy Administrator does not consider such a motion to be appropriate. Debtor(s) may rebut the presumption of abuse only if special circumstances can be demonstrated as set forth in 11 U.S.C. Sec. 707(b)(2)(B).

Dated: September 22, 2009

Stephanie J. Edmondson
Clerk of Court